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JOHN M. PELKEY
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MAR 4 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

March 4, 1994

OUR FILE NO.
1197-101-63

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

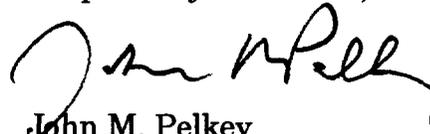
re: Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Neosho, MO and Commerce, OK)

Dear Mr. Caton:

Transmitted herewith on behalf of KBTN, Inc. are an original and four copies of its **PETITION FOR RULE MAKING**, with respect to the allotment of channels for the above-referenced communities.

If there are questions concerning this matter, please communicate directly with this office.

Respectfully submitted,


John M. Pelkey

JMP/cap

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Before The
Federal Communications Commission

Washington, D.C. 20554

RECEIVED

MAR 4 1994

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

In The Matter Of)	
)	
Amendment of Section 73.202(b))	Docket No.
Table of Allotments)	
FM Broadcast Stations)	RM-
(Neosho, Missouri and)	
Commerce, Oklahoma))	

To: Chief, Policy and Rules Division

PETITION FOR RULE MAKING

KBTN, Inc. ("KBTN"), pursuant to Sections 1.401 and 1.420 of the Commission's Rules and by its attorneys, hereby requests that the Commission institute a rule making proceeding to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. Specifically, KBTN requests that the Table of Allotments be amended so as to substitute Channel 282A for Channel 259A at Commerce, Oklahoma, and to allocate Channel 259A to Neosho, Missouri, as that community's first commercial FM channel.

In support thereof, the following is stated:

1. The Channel 259A allocation at Commerce, Oklahoma is currently vacant. Although a construction permit to build a new FM station on Channel 259 was issued to Commerce Communications, Inc., on February 14, 1989, construction of the facility was never completed. As a result, the permit (BPH-880217NC) was canceled by letter order of June 12, 1992.

2. The instant proposal would substitute Channel 282A for Channel 259A at Commerce. As is demonstrated in the attached "Engineering Study" of R. Lee Wheeler, substitution of Channel 282A for Channel 259A can be accomplished in a manner that is consistent with all Commission rules and policies.¹ Substitution of Channel 282A for Channel 259A means that Commerce will be able to receive its first local FM transmission service when and if someone decides to file for the allocation.

3. Moreover, substitution of Channel 282A for Channel 259A at Commerce permits the use of Channel 259A at Neosho, Missouri. Neosho is a community with a population of 9,300 persons. It is the county seat of Newton County, Missouri, which has a population of 44,500 persons, and serves as a business and cultural center for the rural community. Neosho has its own post office with its own zip code, a fire department with 16 full-time fire fighters and a police department with 20 full-time police officers. It also has a municipal form of government, with a City Manager and City Council. The city has an active Chamber of Commerce and numerous community and commercial services such as a public library, four banks, two savings and loans, three hotels, four shopping centers and 31 churches. In addition, the public school system has six elementary schools, a junior high school and a high school. The community is also served by two private elementary schools, two private high schools and Crowder College. Medical needs are provided by a health clinic and a hospital of 67 beds. Neosho is served by a municipal airport with a 5,000 foot paved and lighted runway and two railroad lines. Despite the fact that Neosho is a

¹ The substitution of Channel 282A for Channel 259A requires a site restriction of 9.4 km NE.

community of significant importance, it has no local commercial FM station. In fact, there is no commercial FM channel allocated to any community in Newton County. Allocation of Channel 259A to Neosho would remedy this deficiency.

4. As the attached Engineering Study demonstrates, allocation of Channel 259A can be accomplished consistently with the Commission's rules if a 10.0 km S site restriction is imposed.

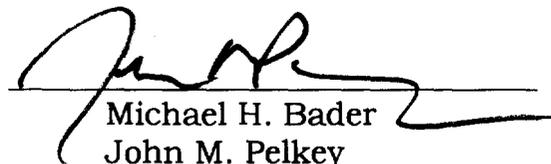
5. The substitution of Channel 282A for Channel 259A at Commerce, and the concurrent allocation of Channel 259A to Neosho, is in the public interest. The proposal would not only ensure that the residents of Commerce can receive their first local FM transmission service, but it also would permit Neosho, a community of nearly 10,000 persons, and Newton County, a county with a population of more than 44,000 persons, to receive their first local commercial FM service. KBTN will apply for authorization to construct a new facility on Channel 259A at Neosho if the allocation is adopted by the Commission.

Accordingly, KBTN respectfully requests that the Table of Allotments be amended as follows:

<u>COMMUNITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Neosho, MO	--	259A
Commerce, OK	259A	282A

Respectfully submitted,

KBTN, Inc.

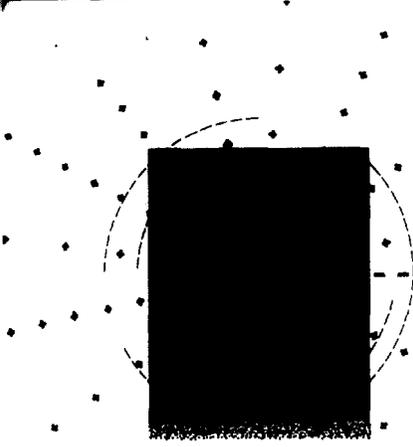


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March 4, 1994



WHEELER BROADCAST CONSULTING

Engineering Study
*Proposed Rule Making to
Substitute Channel 282A for Channel 259A
In Commerce, Oklahoma and
Allocate Channel 259A to Neosho, Missouri*

This consultant has been retained by KBTN, Inc. for the purpose of preparing an engineering statement in support of a Proposed Rule Making to amend the FM table of allotments, 47 CFR 73.202 (b), by substituting channel 282 A for channel 259 A in Commerce, Oklahoma and adding channel 259 A to Neosho, Missouri as its first commercial FM service.

At the request of KBTN, Inc. this consultant performed a full commercial channel search of the Commission's January 26, 1994 database in order to determine the availability of a FM channel for allocation to Neosho, Missouri. The study revealed that there are no open channels sufficiently close to Neosho to provide that community service. The study further revealed the existence of a vacant allocation in Commerce, Oklahoma on Channel 259 A which could be allocated to Neosho, with the imposition of a site restriction, mutually exclusive with its existence in Commerce. A separate study of the Commission's database revealed that, while no additional channel is available to Commerce at its reference coordinates, Channel 282 A and Channel 285 A are available to Commerce with the inclusion of site restrictions. The open area in which to locate a potential transmitter site is much larger with Channel 282 and thus that channel is proposed as the substitute for Commerce.

3718 W. 52nd TERRACE
SHAWNEE MISSION, KS.
66205 913.831.1622

Commerce Oklahoma

The coordinates of Commerce, Oklahoma are listed in the National Atlas of the United States of America as follows:

36° 56' 12" N. Latitude
94° 52' 30" W. Longitude

Reference coordinates for the proposed channel 282 A substitution in Commerce were determined by selecting the point nearest to Commerce while meeting the minimum separation requirements set forth in 47 CFR 73.207. The reference coordinates calculated for the Commerce Channel 282 A substitution are:

37° 00' 24" N. Latitude
94° 48' 54" W. Longitude

The distance and bearing from Commerce to the Channel 282A reference coordinates is 9.4 km at 34.5° True. The Channel 282 A Commerce allocation would thus need to carry a 9.4 km NE site restriction. Exhibit 1 of this report is a search of the Commission's January 26, 1994 FM database which demonstrates that the site meets all minimum separation requirements from the proposed reference site. While Exhibit 1 indicates a short spacing with a translator, K249BZ, the short spacing was disregarded as K249BZ is a secondary service and as such is not protected. Exhibit 2 is a map, generated from NGDC data, which indicates the reference site, the open area in which to locate a suitable transmitter facility, and the predicted 70 dbu contour from the reference coordinates indicating compliance with the principal community coverage requirements of 47 CFR 73.315. A full scale copy of the relevant portion of the Neutral, Kansas 7½' topographic quadrangle, included as Exhibit 3, locates the reference site and clearly shows that the site is in no way unique and the surrounding area is comprised primarily of open farm land.

Neosho Missouri

Neosho, Missouri is the County Seat of Newton County, Missouri and has a population of 9,300 persons according to the 1990 US Census. Neosho has a central post office with its own Zip Code, 64850, and has an organized form of municipal government consisting of a City Manager and a City Council. Neosho has a fire department with 16 full time fire fighters and 10 volunteers, a police department with 20 full time officers, and an active Chamber of Commerce.

Neosho has numerous commercial and community services including 4 banks and 2 savings and loan offices with total assets in excess of 400 million dollars, 3 hotels, 4 shopping centers, 31 churches and a Public Library. Education is provided by a public school system consisting of 6 elementary schools, a junior high school, and a high school. In addition to the public school system there are 2 private elementary schools and 2 private high schools. Higher education is available in Neosho at Crowder College. Neosho has a municipal airport with a 5,000 foot paved and lighted runway and has rail service via 2 rail lines. Neosho has a daily newspaper, a commercial AM broadcast station (KBTN), and a non commercial FM facility (KNEO). Health care is provided through a health clinic as well as a fully staffed 67 bed hospital.

Proposed Channel 259A Allocation

The coordinates of Neosho, Missouri are listed in the National Atlas of the United States of America as follows:

36° 52' 18" N. Latitude
94° 22' 18" W. Longitude

Reference coordinates for the proposed channel 259 A allocation were established by selecting a site which meets all minimum separation requirements while coming as near to Neosho as possible. The reference coordinates proposed are:

36° 46' 56" N. Latitude
94° 23' 17" W. Longitude

The distance and bearing from Neosho to the Channel 259 A reference coordinates is 10.0 km at 188.4° True. The Channel 259 A Neosho allocation would thus need to carry a 10.0 km S. site restriction. Exhibit 4 of this report is a search of the Commission's January 26, 1994 FM database which demonstrates that the site meets all minimum separation requirements from the proposed reference site. Exhibit 5 is a map, generated from NGDC data, which indicates the reference site, the open area in which to locate a suitable transmitter facility, and the predicted 70 dbu contour from the reference coordinates indicating compliance with the principal community coverage requirements of 47 CFR 73.315.

Exhibit 6 is a full scale copy of the relevant portion of the Neosho West, Missouri 7½' topographic quadrangle locating the reference site and clearly showing that the site is in no way unique and is not inherently unsuitable as a site in which to locate a transmitter facility.

Conclusion

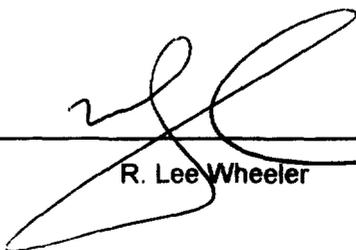
Neosho, Missouri is a community deserving of its first commercial FM service and this proposal provides that service while not depriving Commerce, Oklahoma of its allocated service. In light of the above facts this proposal is clearly in the public interest and it is respectfully requested that 47 CFR 73.202(b) be amended as follows:

Community	Present	Proposed
Commerce, OK	259 A	282 A
Neosho, MO	none	259 A

Certification

All information contained in this report is true and accurate to the best of my belief. Having had numerous matters before the Commission, my qualifications are a matter of record.

2/25/94
Date

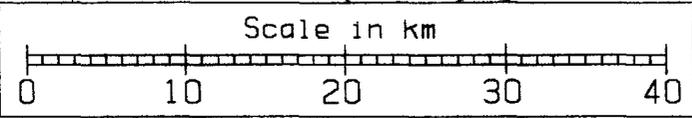
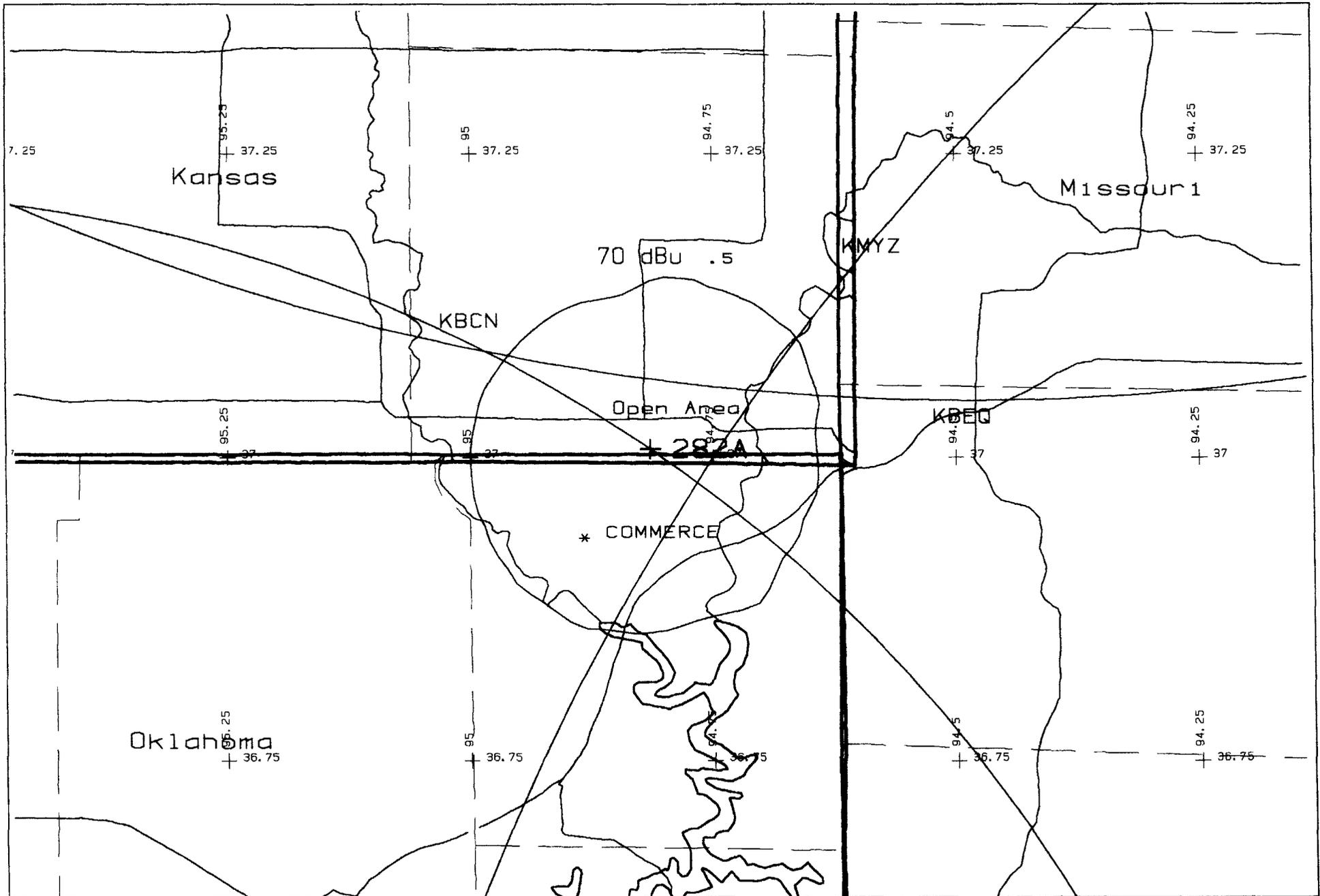

R. Lee Wheeler

WHEELER - BROADCAST CONSULTING
3718 W. 52nd Terrace - Shawnee Mission KS 66205

Commerce Oklahoma
Reference Site

REFERENCE		DISPLAY DATES
37 00 24 N	CLASS A	DATA 01-26-94
94 48 54 W	Current rules spacings	SEARCH 02-23-94
CHANNEL 282 -104.3 MHz		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
K249BZ	282D	Joplin	MO	86.3	24.55	85.0	-60.45 *
AP DCN	37 01 15	94 32 23	0.250 kW	OM	15.3	52.8	
	J and J Broadcasting				BPFT910729TA		911118
>TRANSLATOR FOR KNEO, Neosho, MO-							
>From channel 249							
KMYZFM	283C1	Pryor	OK	214.5	132.99	133.0	-0.01 *
LI CN	36 01 10	95 39 24	70.000 kW	344M	82.7	82.7	
	Shamrock Communications, Inc.				BLH850501KY		
KBCN	282C	Marshall	AR	123.0	231.21	226.0	5.21
LI CN	35 52 17	92 39 10	100.000 kW	310M	143.7	140.5	
	Country Music Communications,				BLH900612KC		
KBEQFM	282C	Kansas City	MO	7.3	232.33	226.0	6.33
LI CY	39 04 59	94 28 49	100.000 kW	301M	144.4	140.5	
	Noble Broadcast of Kansas Cit				BLH850813KT		
KWFN.C	281A	Fredonia	KS	300.2	96.29	72.0	24.29
CP CN	37 26 35	95 45 10	3.000 kW	100M	59.8	44.8	
	LeeMay Broadcasting Services,				BPH881024MC		
KZPD.C	281A	Ash Grove	MO	74.8	103.88	72.0	31.88
CP CN	37 15 05	93 41 12	3.000 kW	59M	64.6	44.8	
	Ashgrove, Inc.				BPH921028JL		
KLKCFM	228A	Parsons	KS	315.2	52.58	10.0	42.58
LI CN	37 20 35	95 13 55	3.000 kW	81M	32.7	6.2	
	The Community Broadcasting Co				BLH780928AC		
KKIX	280C1	Fayetteville	AR	153.9	121.72	75.0	46.72
LI ZCN	36 01 17	94 13 04	100.000 kW	147M	75.7	46.6	
	Noalmark Broadcasting Corpora				BLH900622KC		



Substitute Channel 282 6kW
N. Lat. 37 00 24 W. Lng. 94 48 54

COMMERCE OK
R. L. WHEELER - C

S P R I N G

Exhibit 3

37° 02' 30"

Site Coordinates
37° 00' 24" N
94° 48' 54" W

94° 50' 00"

94° 47' 30"

Reference Site

Blue Mound

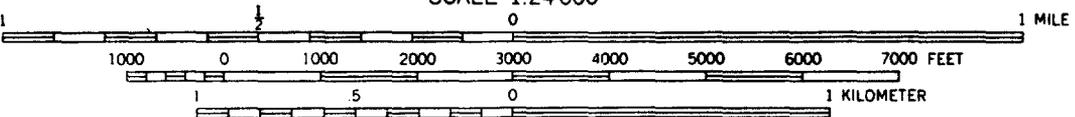
Landing Field

Tailings

Blue Mound Ch

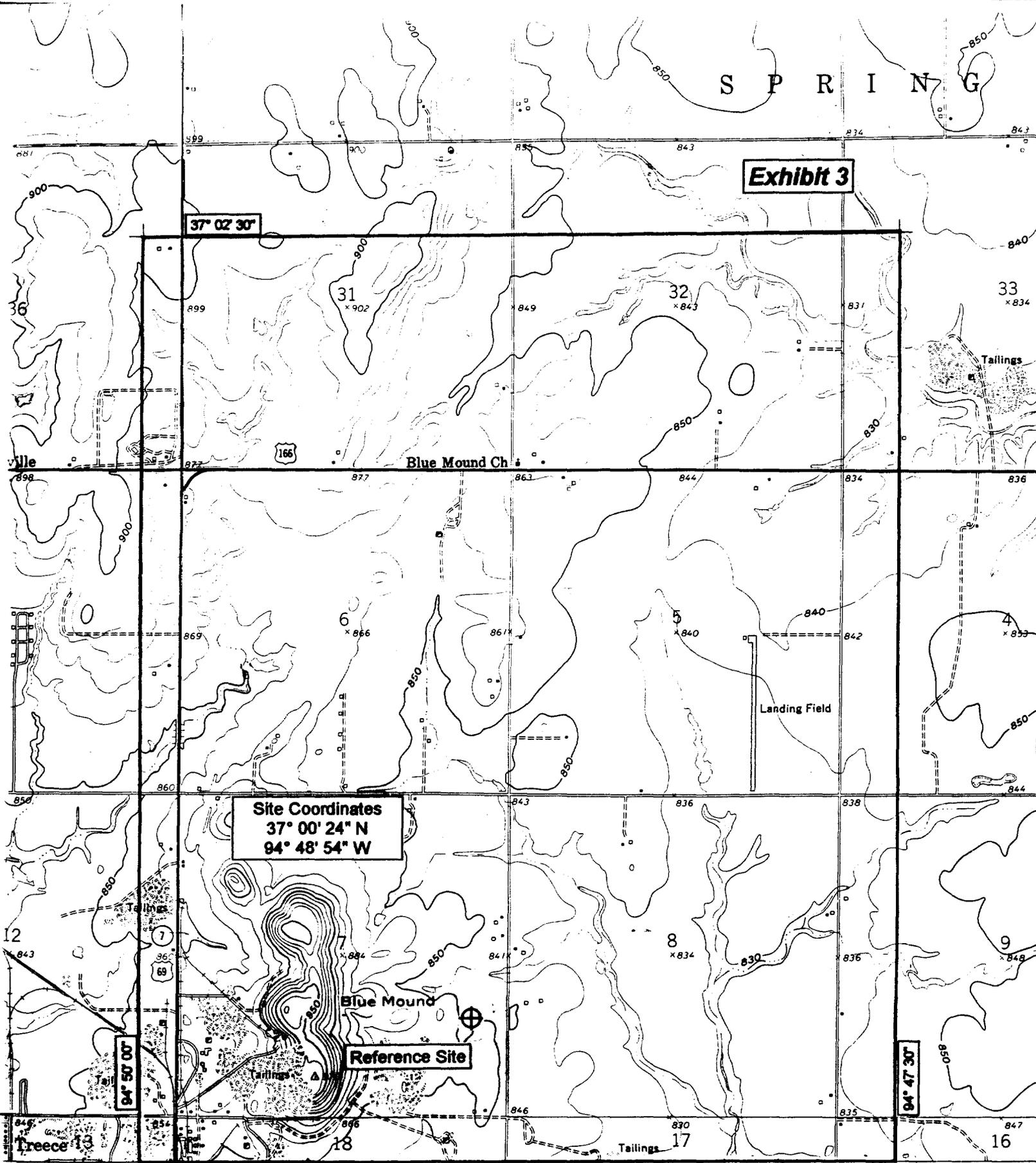
166

(PICHER)
7057 IV NE
SCALE 1:24 000



CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

8°
42 MILS



WHEELER - BROADCAST CONSULTING
3718 W. 52nd Terrace - Shawnee Mission KS 66205

Neosho Missouri
Reference Site

REFERENCE	CLASS A	DISPLAY DATES
36 46 56 N	Current rules spacings	DATA 01-26-94
94 23 17 W	CHANNEL 259 - 99.7 MHz	SEARCH 02-23-19

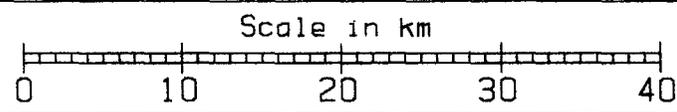
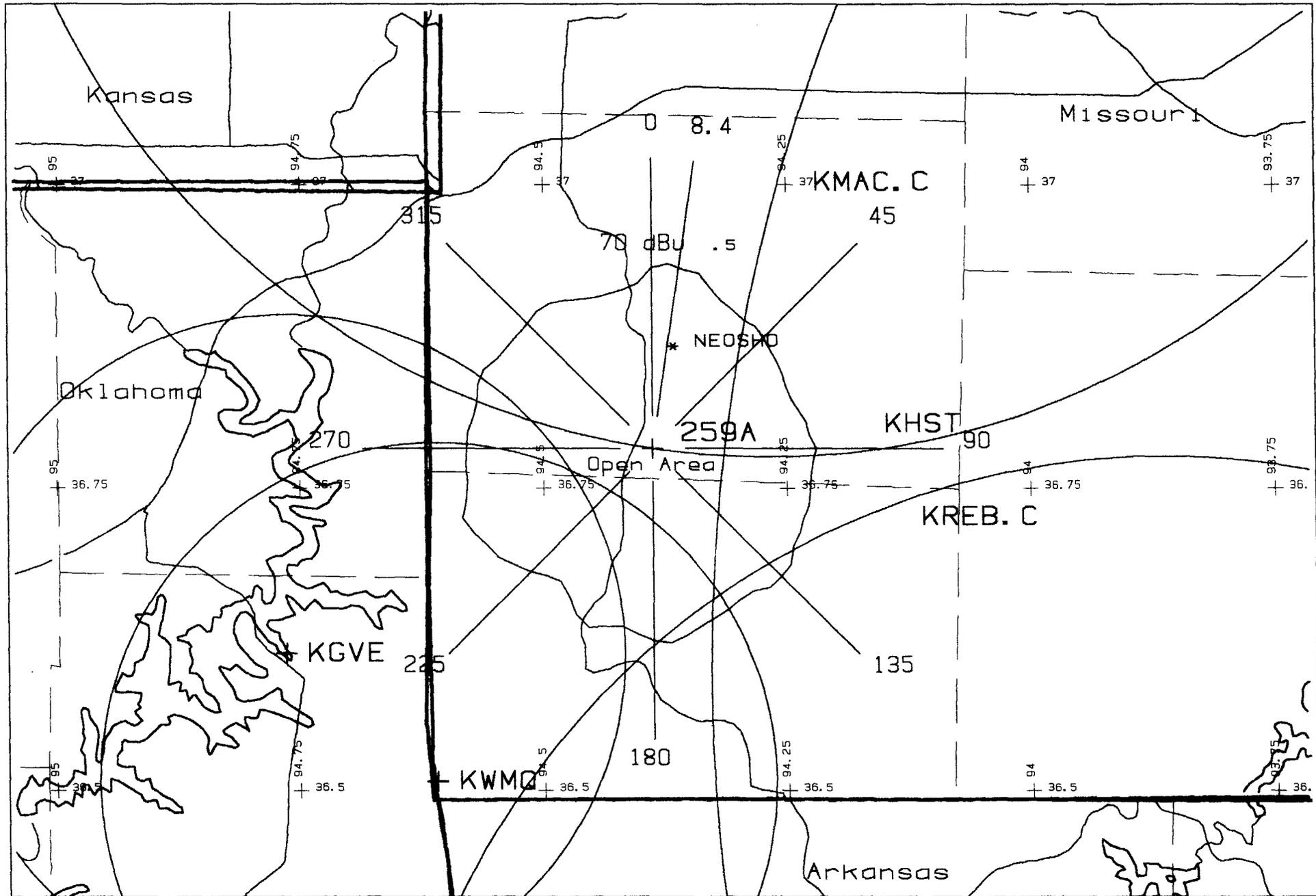
CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
ALOPEN	259A	Commerce	OK	291.5	46.68	115.0	-68.32 *
AL N	36 56 12	94 52 30	0.000 kW	OM	29.0	71.5	
	84-231		WO= 880111				880217
># 49							
KHST	260A	Lamar	MO	8.4	72.01	72.0	0.01 <
LI CN	37 25 27	94 16 12	3.000 kW	100M	44.8	44.8	
		Michael Lee Husmann			BLH920925KC		
KWMQ	262A	Southwest City	MO	213.1	36.34	31.0	5.34
LI CN	36 30 28	94 36 35	3.000 kW	100M	22.6	19.3	
		Gene and Marie Humphries			BLH891023KB		
KMAC.C	259C2	Gainesville	MO	97.0	172.49	166.0	6.49
CPMZCN	36 35 34	92 28 21	50.000 kW	150M	107.2	103.2	
		Dora J. Burnett			BMPH900104IG		
KGVE	257A	Grove	OK	240.9	38.51	31.0	7.51
LI CN	36 36 49	94 45 53	6.000 kW	91M	23.9	19.3	
		Caleb Corporation			BMLH921109KD		
KREB.C	258A	Huntsville	AR	147.2	86.48	72.0	14.48
CP CN	36 07 37	93 51 57	3.300 kW	135M	53.8	44.8	
		Vekony Communications, Inc.			BPH930507ID		
>From channel 225A per D92-49							
KREB.A	258A	Huntsville	AR	147.2	86.48	72.0	14.48
AP CN	36 07 37	93 51 57	3.300 kW	135M	53.8	44.8	
		Vekony Communications, Inc.			BMPH931027ID		
KRLK	261A	Cassville	MO	108.3	54.79	31.0	23.79
LI CN	36 37 39	93 48 21	2.700 kW	149M	34.0	19.3	
		Kevin M. & Patricia W. Wodlin			BLH920928KA		
KADI	258A	Republic	MO	64.3	98.06	72.0	26.06
LI CN	37 09 54	93 23 44	6.000 kW	100M	60.9	44.8	
		Snowmen Broadcasting, Inc.			BLH900626KB		
KTCSFM	260C	Fort Smith	AR	187.9	191.56	165.0	26.56
LI CN	35 04 20	94 40 50	100.000 kW	585M	119.1	102.6	

WHEELER - BROADCAST CONSULTING
 3718 W. 52nd Terrace - Shawnee Mission KS 66205

CLASS A

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)

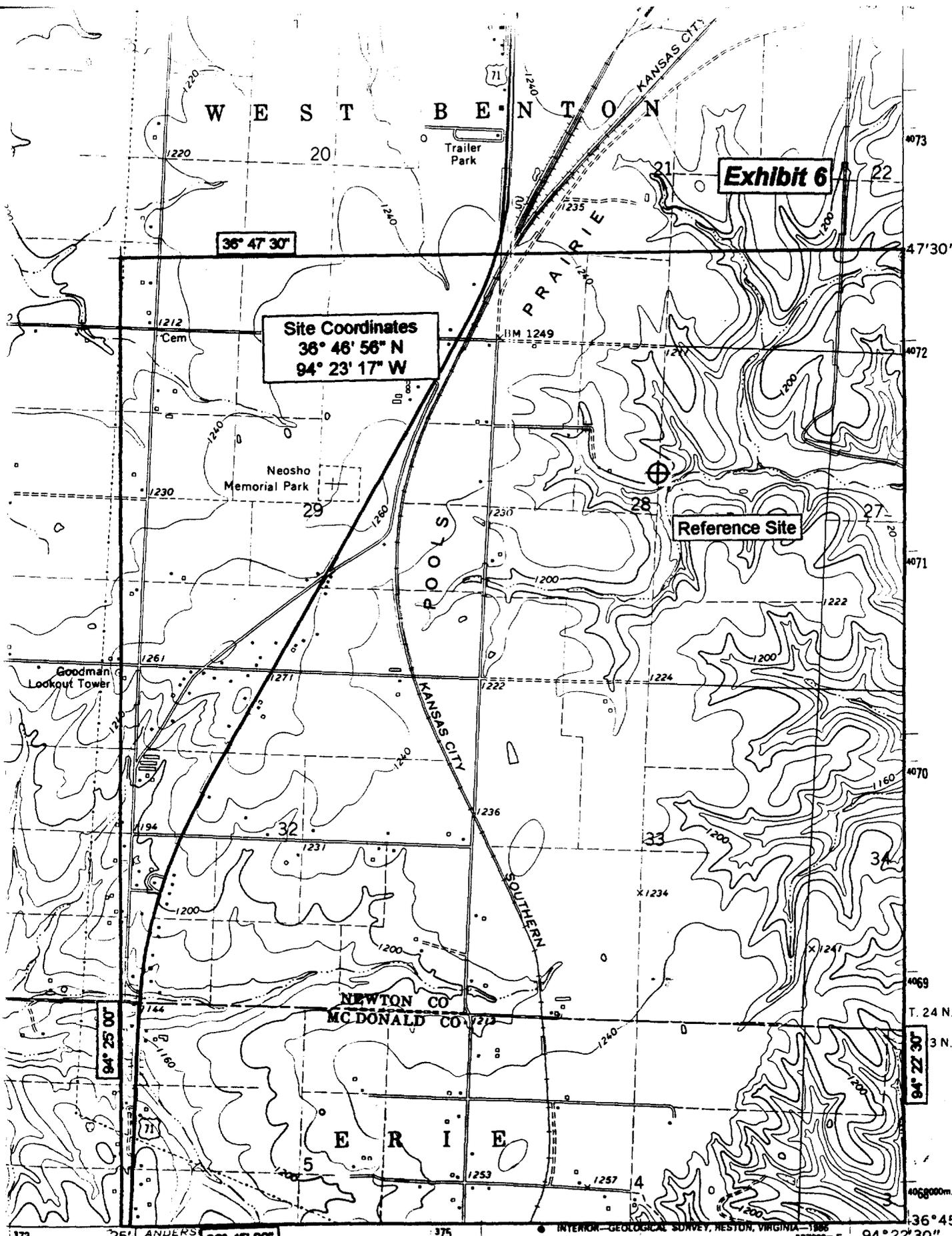
		Big Chief Broadcasting Co.			BLH871231KC		
KLTH	259C	Kansas City	MO	357.5	255.68	226.0	29.68
LI CN	39 05 01	94 30 57	100.000 kW	308M	158.9	140.5	
		Bonneville Holding Company			BLH900222KC		



259A 259 6kW
N. Lat. 36 46 56

W. Lng. 94 23 17

NEOSHO MO
R. L. WHEELER - C



Site Coordinates
 36° 46' 56" N
 94° 23' 17" W

Exhibit 6

Reference Site

ROAD CLASSIFICATION

- Primary highway, hard surface
- Secondary highway, hard surface
- Light-duty road, hard or improved surface
- Unimproved road
- Interstate Route
- U. S. Route
- State Route

1 MILE
 FEET



INC. NAT'L
 7157 IN NE

INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1988
 3770000 E 94° 22' 30" 36° 45'